

to oppose the Hudson proposal. The memo called for “a great deal of communication between the St. Croix Tribe, the Minnesota Tribes, and Washington, D.C.,” to be achieved through Kitto’s working relationship with McCarthy and Corcoran’s coordination with Ducheneaux.

Despite their successful appeal for further time in which to present evidence of the negative economic impact the Hudson casino proposal would have upon them, the Minnesota tribes did not act immediately. Some tribal representatives placed a priority on such a submission. Boylan, the Washington lobbyist for the Shakopee, had a series of conversations with BIA gaming personnel regarding the Hudson matter in early January. Boylan informed her client and other Shakopee representatives that BIA would accept evidence of economic harm, and that BIA encouraged the Shakopee and any other affected tribe “to provide data showing a negative impact on their gaming activities should this proposed gaming activity proceed.”¹⁸⁴ In addition, McCarthy frequently reminded the MIGA members that they needed to submit documentation to BIA as soon as possible.¹⁸⁵ Sikorski said a short time later: “Minnesota tribes who were critical of the BIA for not providing an opportunity to have input must now use the opportunity provided by BIA to truly weigh in.” In the end, however, the only documentation of

¹⁸⁴Memorandum from Virginia Boylan to Stanley Crooks, Kurt BlueDog and Frank Ducheneaux, January 10, 1995. Moreover, Boylan also informed her client that a BIA official had told her the only "consultation" required by IGRA was the December 1993 letter from Denise Homer requesting comments, and that the tribes’ responses to that letter were considered their "input" to the consultation process. *Id.*

¹⁸⁵In a March 2 letter to Stanley Crooks (copied to the Mille Lacs, St. Croix and Prairie Island) "urging" the tribes to get their impact studies to Skibine, McCarthy also wrote that he had just learned that Skibine was "fast approaching completion of his report" and that McCarthy had "asked Frank Ducheneaux to quietly look into this." McCarthy believed this timing information came from either Ducheneaux or Kitto. Ducheneaux had no independent recollection of having been asked to "quietly look into" anything, although he did not dispute the accuracy of the memo and said he may well have spoken to Skibine during this period. Ducheneaux G.J. Test. at 63-65.